

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MADALYN M. SOULLIERE

Plaintiff,

CASE NUMBER: 06-14421  
HONORABLE VICTORIA A. ROBERTS

v.

DETROIT RECEIVING HOSPITAL,

Defendant.

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**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION**

This matter is before the Court on Plaintiff's Motion for Reconsideration of the Court's October 23, 2006 Order Dismissing Plaintiff's Complaint. Plaintiff's Complaint requested this Court's assistance in obtaining a reimbursement from Detroit Receiving Hospital for fees Plaintiff paid to receive a copy of her medical record. The Court found that Plaintiff was entitled to a free copy of her medical record under Michigan law but did not state a cognizable claim under federal law. Therefore, the Court dismissed Plaintiff's Complaint for lack of jurisdiction, pursuant to 28 U.S.C. §§ 1331, 1332 and Fed.R.Civ.P. 12(h)(3).

For the reasons stated below, Plaintiff's motion is **DENIED**.

Eastern District of Michigan Local Rule 7.1(g)(3) provides for reconsideration if the movant demonstrates a palpable defect by which the court and the parties have been misled, and further demonstrates that correcting the defect will result in a different disposition of the case. "A 'palpable defect' is a defect which is obvious, clear, unmistakable, manifest, or plain." *Fleck v. Titan Tire Corp.*, 177 F.Supp.2d 605, 624 (E.D.Mich. 2001). "[T]he court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." L.R. 7.1(g)(3).

Plaintiff fails to make the required showing for reconsideration. The Court is not persuaded that its ruling contained manifest errors of law, and Plaintiff did not identify any factual matter of which the Court was not aware when it ruled on the issues raised. Therefore, Plaintiff's motion is **DENIED**.

**IT IS SO ORDERED.**

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: December 21, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record and Plaintiff by electronic means or U.S. Mail on December 21, 2006.

s/Linda Vertriest

Deputy Clerk